

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/23/2024

U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street
New York, New York 10007

April 23, 2024

By ECF

The Honorable Barbara C. Moses
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Gaynor v. United States of America*, No. 22 Civ. 9090 (BCM)

Dear Judge Moses:

This Office represents the United States of America (the “Government”) in the above-referenced Federal Tort Claims Act action. I write jointly with Plaintiff Zico Gaynor (“Plaintiff”) to request that the Court stay remaining discovery deadlines and adjourn the upcoming status conference until after the parties participate in a mediation, currently scheduled for May 31, 2024, through the Court-annexed Mediation Program.

With one exception noted below, the parties completed fact discovery by the April 1, 2024 fact discovery deadline set by the Court.¹ *See* Dkt. No. 38. Through fact discovery, the parties have narrowed the issues in dispute in this action, and they believe that it would be in their collective interests and in the interest of judicial economy to attempt to resolve this narrowed dispute consensually before incurring additional litigation expenses associated with expert discovery. To that end, the parties respectfully request that the Court stay all remaining discovery deadlines pending conclusion of the May 31 mediation and order the parties to submit a status update to the Court one week after the mediation, or by June 7, 2024. The parties also respectfully request that the Court adjourn the status conference currently scheduled for May 21, 2024, as well as the May 14, 2024 deadline to submit a joint status letter in advance of that conference, until after the May 31 mediation.

¹ Plaintiff served the Government with a discrete request for production, which was inadvertently filed on the docket, on April 16, 2024. *See* Dkt. No. 39. Though the fact discovery deadline has passed, the Government has agreed to informally respond to this request in the interest of facilitating resolution of this action.

We thank the Court for its consideration of these requests.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Alyssa B. O'Gallagher
ALYSSA B. O'GALLAGHER
Assistant United States Attorney
Tel.: (212) 637-2822
Email: alyssa.o'gallagher@usdoj.gov

The parties' joint motion to stay discovery and adjourn the upcoming status conference is GRANTED. Discovery is hereby STAYED pending the conclusion of the court-annexed mediation conference scheduled for May 31, 2024. The status conference, now scheduled for May 21, 2024, before Judge Moses, is hereby ADJOURNED *sine die*. No later than **June 7, 2024**, the parties shall file a joint status letter.

The Clerk of Court is respectfully directed to close the motion at Dkt. 40. SO ORDERED.



Barbara Moses
United States Magistrate Judge
April 23, 2024